

REMARKS

A second non-final Office Action was mailed on July 17, 2003. Attached hereto is a Petition for a One Month Extension of Time and the authorization of Applicant's undersigned representative to charge the prescribed fee to Deposit Account No. 16-2372. Applicant's undersigned representative also hereby authorizes any other fee which may be required to maintain the pendency of this case to likewise be charged to Deposit Account No. 16-2372.

As an initial matter, Applicant, and Applicant's representatives, Robert Westerlund and Bruce Bernstein, would like to thank SPE Gaffin and Examiner Nguyen for the courtesies they extended during the Personal Examiner Interview, which was held on November 13, 2003.

Claims 16-38 are currently pending in the present application. By this Amendment, Applicant has amended independent claims 16 and 28 in order to more clearly and positively recite the present invention, and thereby more clearly patentably define the presently claimed invention over the cited art, including Young (discussed below). Support for these claim amendments can be found in the disclosure of the original application, which corresponds to the specification of issued U.S. Patent No. 5,694,546 ("the '546 patent"). For example, support for these claim amendments can be found, among other places, at Col. 25:42-65 of the '546 patent. Applicant has also amended dependent claims 17-20, 24, 26, 29-32, and 35-37 to improve the form of the claims and to be consistent with amendments made to their respective independent claims. Applicant respectfully requests admittance and entry of the amended claims presented herein.

The instant Office Action rejects claims 16-24, 26, 28-35, and 37 under 35 U.S.C. § 102(b) as being anticipated by Young (U.S. Pat. No. 4,706,121) ("Young"). The Office Action rejects claims 25 and 36 under 35 U.S.C. § 103(a) as being unpatentable over Young in view of Logan et al. (U.S. Pat. No. 5,371,551). The Office Action rejects claims 27 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Young in view of Hidary et al. (U.S. Pat. No. 5,774,664), and, alternatively, as being unpatentable over Hidary et al. in view of Young.

As discussed above, Applicant has amended the only two pending independent claims (16 and 28) to positively recite limitations that are clearly not taught by Young or any other prior art of record. More particularly, all of the pending claims, as amended herein, now state that the desired and other data objects are identified in the broadcast data stream by respective object identifiers, and further, that the capturing and storing of the at least one desired data object is based upon the at least one desired data object's object identifier. These claim amendments were presented and discussed during the above-noted Personal Examiner Interview. As was explained during this Interview, in Young, the television programs are captured and stored at specified times, and not based upon object identifiers or any other information contained in the broadcast data stream. Accordingly, Applicant respectfully submits that pending claims 16-38, as amended herein, are patentable over Young and the other art of record in this case. Accordingly, Applicant respectfully requests early allowance of claims 16-38, as amended herein.

Although Applicant believes that this application is now in final condition for allowance, if the examiner believes there are any further issues that remain to be resolved, the examiner is encouraged to call Applicant's undersigned representative prior to taking any further formal action in this case.

Respectfully submitted,



Robert A. Westerlund

Reg. No. 31,439

WESTERLUND · POWELL, P.C.
100 Daingerfield Rd., Suite 100
Alexandria, Virginia 22314-2886
Phone: (703) 706-5862
Fax : (703) 706-5860

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